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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE
THE NORTHERN MARIANA ISLANDS**

AUTO MARINE, INC., ROLANDO) CIVIL ACTION No. 05-0042
SENORAN, BENJAMIN T. SANTOS)
AUGSTO SANTOS and NORMANDY)
SANTOS)

Plaintiffs)

v.)

) STIPULATED FACTS

ANTONIO SABLAN, personally,)
RICHARD T. LIZAMA, personally and)
in his official capacity, and MEL GREY)
in his official capacity)

Defendants.)

-
1. Plaintiff Auto Marine, Inc., ("Auto Marine") is a corporation formed under laws of the Commonwealth of the Northern Mariana Islands ("Commonwealth").

2. Plaintiffs Rolando Senoran (“Senoran”), Benjamin T. Santos (“Benjamin”), and Augusto Santos (“Augusto”) and Normandy Santos (“Normandy”) are each citizens of the Philippines.
3. The Commonwealth ("CNMI") is the governmental entity established pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union With The United States of America (“Covenant”).
4. The Division of Immigration Services (“DIS”) is an agency or instrumentality of the Commonwealth government.
5. Defendant Mel Grey is currently the Director of DIS.
6. At all times relevant herein, Plaintiffs Senoran, Benjamin, Augusto and Normandy were lawfully present in the Commonwealth.
7. At all times relevant herein, Plaintiffs Senoran, Benjamin, Augusto and Normandy were lawfully employed with Auto Marine pursuant to an employment contract approved by the Commonwealth’s Director of Labor.

8. Sablan, at all times relevant herein was the Acting Director of DIS.
9. At all times relevant herein Lizama was employed with DIS as an Immigration Investigator.
10. Lizama, assists the DIS Director in the enforcement of the Commonwealth's immigration laws.
11. Auto Marine operates a business which engages in water sport activities which include but are not limited to parasailing, banana boat rides, scuba diving, and transporting passengers.
12. At all times relevant herein, Senoran was employed by Auto Marine as a Diving Manager.
13. In July, 2002 Senoran was licensed by the United States Coast Guard ("USCG") as a U.S. Merchant Marine Officer.
14. The expiration of Senoran's USCG license is July 17, 2007.

15. Senoran's USCG license, at all times relevant herein, was and is valid
16. Senoran's license from the USCG allows him to operate uninspected undocumented passenger vessels as defined in 46 U.S.C. § 2101(42) upon near coastal waters not more than 100 miles offshore.
17. Benjamin is currently employed by Auto Marine and has been employed by Auto Marine since 1999.
18. Each employment contract between Benjamin and Auto Marine was approved by the Commonwealth Director of Labor as required by Commonwealth law.
19. At all times relevant herein, the employment contract between Benjamin and Auto Marine expressly allowed Benjamin to operate or drive a boat or boats and vehicles as necessary.
20. In February, 2003 Benjamin was licensed by the United States Coast Guard ("USCG") as a U.S. Merchant Marine Officer.

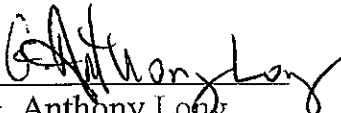
21. The expiration of Benjamin's USCG license is February 3, 2009.
22. Benjamin's USCG license, at all times relevant herein, was and is valid.
23. Benjamin's license from the USCG allows him to operate uninspected undocumented passenger vessels as defined in 46 U.S.C. § 2101(42) upon near coastal waters not more than 100 miles offshore.
24. Normandy is currently employed by Auto Marine and has been employed by Auto Marine since 2001.
25. Each employment contract between Normandy and Auto Marine was approved by the Commonwealth Director of Labor as required by Commonwealth law.
26. In August, 2003 Normandy was licensed by the United States Coast Guard ("USCG") as a U.S. Merchant Marine Officer.
27. The expiration of Normandy's USCG license is August 7, 2008.

28. Normandy's USCG license, at all times relevant herein, was and is valid.
29. Normandy's license from the USCG allows him to operate uninspected undocumented passenger vessels as defined in 46 U.S.C. § 2101(42) upon near coastal waters not more than 100 miles offshore.
30. Augusto is currently employed by Auto Marine and has been employed by Auto Marine since 2004.
31. Each employment contract between Augusto and Auto Marine was approved by the Commonwealth Director of Labor as required by Commonwealth law.
32. At all times relevant herein, the employment contract between Augusto and Auto Marine expressly allowed Augusto to operate or drive a boat or boats as necessary.
33. The boats owned by Auto Marine fall within the definition of 46 U.S.C. § 2101(42)

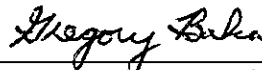
34. The boats owned by Auto Marine do not weight more than 100 gross registered tons.
35. On or about February 14, 2005, Senoran, Benjamin, Augusto and Normandy were arrested for allegedly violating 3 CMC § 4434(e)(1) which provides that:
- [t]he Director of Labor shall not approve nonresident worker certificates for the following job classifications: taxi cab driver, secretary, bookkeeper, accounting clerk, messenger, receptionist, surface tour boat operator, bus driver, including tour bus driver, and telephone switchboard operator.
36. Deportation proceedings were instituted against Senoran, Benjamin, Augusto, and Normandy on the basis of the alleged violation of 3 CMC § 4434(e)(1).
37. On September 6, 2005 criminal charges were instituted against Auto Marine's president, Adonis Santos, for employing aliens, i.e., Senoran, Benjamin, Augusto, and Normandy, that between on or about January 3, 2005 to February 14, 2005 when they did not have "lawful documentation and authority to be so employed."

38. When Japanese cruise ships visit the Northern Mariana Islands, 3 CMC § 4434(e)(1) is not applied to such ships.
39. 3 CMC § 4434(e)(1) is not applied to Tinian Shipping which operates ferry service between Saipan and Tinian.
40. At all times relevant herein, Auto Marine operated its vessels in waters over the submerged lands over which the United States has sovereignty.

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